

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1964-WQ-E TCEQ ID: RN100581479 CASE NO.: 35060
RESPONDENT NAME: ONE WAY HAULING, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 120 Oil Patch Road, Laredo, Webb County</p> <p>TYPE OF OPERATION: Oil drilling equipment and bulk barite transportation facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 20, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Mr. Barham Richard, Litigation Division, MC 175, (512) 239-0107 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Mr. Tom Jecha, Enforcement Division, MC 128, (512) 239-2576</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052</p> <p style="padding-left: 20px;">Respondent: Mr. Felix Rodriguez, Jr., President, One Way Hauling, Inc., P. O. Box 430256, Laredo, TX 78043</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review </p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 7, 2007</p> <p>Date of NOE Relating to this Case: November 28, 2007</p> <p>Background Facts: The EDRP was filed June 26, 2008. The Agreed Order was signed August 13, 2008.</p> <p>WQ:</p> <ol style="list-style-type: none"> Failed to label drums, tanks, and containers [30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05V539, Part III., Section A.5(b)(3)]. Failed to retain records and reports for a period of three years and maintain the records at the Facility or have them readily available for review by a TCEQ representative [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Sections A.5(f), A.7(c)(4), and E.3(e)(2)]. Failed to conduct quarterly inspections of pollution prevention measures and controls [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(g)]. Failed to sample and analyze storm water discharges for hazardous metals at a minimum frequency of once per year [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section D.1(c)]. Failed to provide adequate spill prevention and response measures [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2]. Failed to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the Facility to determine when a representative storm event occurs [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section C.1(c)]. 	<p>Total Assessed: \$14,500</p> <p>Total Deferred: \$0</p> <p> <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset </p> <p>Total Paid/Due to General Revenue: \$1,256/\$13,244</p> <p>The Respondent paid \$1,256 of the administrative penalty. The remaining amount of \$13,244 of the administrative penalty shall be payable in 11 monthly payments of \$1,204 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following corrective measures:</p> <ol style="list-style-type: none"> Within 30 days: <ol style="list-style-type: none"> Label all drums, tanks, and containers at the Facility; and Create a record keeping system to retain records and reports for a period of three years and maintain the records at the Facility or keep them readily available for review by the TCEQ. Within 60 days: <ol style="list-style-type: none"> Begin conducting quarterly inspections of pollution prevention measures and controls; Begin sampling and analyzing storm water discharges for hazardous metals at a minimum frequency of once per year; Construct a designated area for vehicles with potential fluid leaks and maintain materials and equipment necessary for spill clean-up; and Maintain a rain gauge on-site to determine when a representative storm event occurs and monitor the gauge and maintain records. Within 75 days, submit written certification to demonstrate compliance with Ordering Provisions Nos. 1 and 2.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	3-Dec-2007	Screening	6-Dec-2007	EPA Due	
	PCW	28-Apr-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	One Way Hauling, Inc.		
Reg. Ent. Ref. No.	RN100581479		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35060	No. of Violations	6
Docket No.	2007-1964-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$12,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **5% Enhancement** **Subtotals 2, 3, & 7** **\$600**

Notes Enhancement for one NOV with same or similar violations issued to the facility within the past five year.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$2,202** ***Capped at the Total EB \$ Amount**

Approx. Cost of Compliance **\$3,370**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$12,600**

OTHER FACTORS AS JUSTICE MAY REQUIRE **15%** **Adjustment** **\$1,900**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended to recover the avoided costs associated with the economic benefit of violation Nos. 3 and 4.

Final Penalty Amount **\$14,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$14,500**

DEFERRAL **0% Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$14,500**

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent: One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same or similar violations issued to the facility within the past five year.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 6-Dec-2007 Respondent One Way Hauling, Inc. Case ID No. 35060 Reg. Ent. Reference No. RN100581479 Media [Statute] Water Quality Enf. Coordinator Thomas Jecha Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05V539, Part III., Section A.5(b)(3). Violation Description Failed to label drums, tanks, and containers. Specifically, six bulk tanks were not labeled during the investigation.	Docket No. 2007-1964-WQ-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision November 6, 2007</div>																		
Base Penalty \$10,000																			
>> Environmental, Property and Human Health Matrix																			
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;">Release</td> <td style="width: 20%; text-align: center;">Harm</td> <td style="width: 20%; text-align: center;">Major</td> <td style="width: 20%; text-align: center;">Moderate</td> <td style="width: 20%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p style="text-align: right; margin-top: 5px;">Percent 0%</p>		Release	Harm	Major	Moderate	Minor	Actual						Potential					
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		x																	
Adjustment \$9,000																			
Violation Events																			
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Economic Benefit (EB) for this violation																			
<table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount</td> <td style="width: 10%; text-align: center;">\$6</td> <td style="width: 10%;"></td> <td style="width: 30%;">Violation Final Penalty Total</td> <td style="width: 10%; text-align: center;">\$7,250</td> </tr> <tr> <td colspan="4" style="text-align: center;">This violation Final Assessed Penalty (adjusted for limits)</td> <td style="text-align: center;">\$7,250</td> </tr> </table>		Estimated EB Amount	\$6		Violation Final Penalty Total	\$7,250	This violation Final Assessed Penalty (adjusted for limits)				\$7,250								
Estimated EB Amount	\$6		Violation Final Penalty Total	\$7,250															
This violation Final Assessed Penalty (adjusted for limits)				\$7,250															

Economic Benefit Worksheet

Respondent One Way Hauling, Inc.

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$120	7-Nov-2007	11-Aug-2008	0.8	\$0	\$6	\$6
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label 6 bulk tanks. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$120

TOTAL

\$6

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(f), A.7(c)(4), and E.3(e)(2).

Violation Description

Failed to retain records and reports for a period of three years and maintain the records at the facility or have them readily available for review by a TCEQ representative. Specifically, records, including employee training and corrective actions, were not available for review during the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,208

This violation Final Assessed Penalty (adjusted for limits) \$1,208

Economic Benefit Worksheet

Respondent One Way Hauling, Inc.

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	7-Nov-2007	11-Aug-2008	0.8	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to set up a record keeping system. The date required is the investigation date and the final date is expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(g).

Violation Description

Failed to conduct quarterly inspections of pollution prevention measures and controls. Specifically, inspections were not conducted during the second and third quarters of 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollution as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

183 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$423

Violation Final Penalty Total \$2,417

This violation Final Assessed Penalty (adjusted for limits) \$2,417

Economic Benefit Worksheet**Respondent** One Way Hauling, Inc.**Case ID No.** 35060**Reg. Ent. Reference No.** RN100581479**Media** Water Quality**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$400	30-Jun-2007	30-Sep-2007	1.2	\$23	\$400	\$423
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct and record quarterly inspections. The date required is the last day of the second quarter of 2007 and the final date is the last day of the third quarter of 2007.

Approx. Cost of Compliance **\$400****TOTAL** **\$423**

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section D.1(c).

Violation Description Failed to sample and analyze storm water discharges for hazardous metals at a minimum frequency of once per year. Specifically, sampling was not conducted in 2004, 2005, and 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 3

730 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$1,500

Three annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,719

Violation Final Penalty Total \$1,813

This violation Final Assessed Penalty (adjusted for limits) \$1,813

Economic Benefit Worksheet

Respondent One Way Hauling, Inc.

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	31-Dec-2004	31-Dec-2006	2.9	\$219	\$1,500	\$1,719

Notes for AVOIDED costs

Estimated cost to sample and analyze storm water discharges once a year and maintain records . The date required is the last day of 2004 and the final date is the last day of 2006.

Approx. Cost of Compliance \$1,500

TOTAL \$1,719

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2.

Violation Description Failed to provide adequate spill prevention and response measures. Specifically, a designated area does not exist for vehicles with potential fluid leaks and 55 gallon drums designated as spill clean-up containers were filled with trash.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$1,208

This violation Final Assessed Penalty (adjusted for limits) \$1,208

Economic Benefit Worksheet

Respondent One Way Hauling, Inc.

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$750	7-Nov-2007	11-Aug-2008	0.8	\$29	n/a	\$29

Notes for DELAYED costs

Estimated cost of spill clean up equipment and construction of an area to confine spills. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$29

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35060

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section C.1(c).

Violation Description

Failed to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the facility to determine when a representative storm event occurs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One penalty event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$604

This violation Final Assessed Penalty (adjusted for limits) \$604

Economic Benefit Worksheet

Respondent One Way Hauling, Inc.

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media Water Quality

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$100	7-Nov-2007	11-Aug-2008	0.8	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install and maintain a rain gauge on-site including weekly monitoring and record keeping. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Compliance History

Customer/Respondent/Owner-Operator: CN602633513 One Way Hauling, Inc. Classification: AVERAGE Rating: 9.00
Regulated Entity: RN100581479 ONE WAY HAULING Classification: AVERAGE Site Rating: 9.00
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000040840
TRANSPORTATION
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 86557
TRANSPORTATION (SWR)
STORMWATER PERMIT TXR05Q998
STORMWATER PERMIT TXR05V539
Location: 120 OIL PATCH RD, LAREDO, TX, 78043 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prep December 04, 2007
Agency Decision Requiring Compliance Enforcement
Compliance Period: December 04, 2002 to December 04, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Thomas Jecha Phone: 512 239 2576

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 11/08/2005 | (436532) |
| 2 | 11/28/2007 | (608914) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|-----------------------|
| Date: | 11/09/2005 | (436532) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Rqmt Prov: | PERMIT Part III Section E1e | | |
| Description: | Failure to provide documentation of a storm water discharge permit. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Rqmt Prov: | PERMIT Part III Section A4d | | |
| Description: | Failure to update the list of reportable quantity spills and leaks on a quarterly basis. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Rqmt Prov: | PERMIT Part III Section A5b3 | | |
| Description: | Failure to clearly label all drums, tanks, and containers. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |

Rqmt Prov:	PERMIT Part III Section A5d		
Description:	Failure to maintain written records of structural control maintenance.		
Self Report?	NO	Classification:	Minor
Rqmt Prov:	PERMIT Part III Section A5f		
Description:	Failure to maintain written records of employee training.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part III Section A5g		
Description:	Failure to conduct periodic inspections.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part III Section A5h		
Description:	Failure to conduct quarterly visual monitoring.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part III Section A7b		
Description:	Failure to conduct the annual comprehensive compliance evaluation.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part III Section A7c3		
Description:	Failure to maintain record of corrective action taken and/or revisions made to the SWP3 with the annual comprehensive compliance evaluation report.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part III Section D(1,2)c		
Description:	Failure to conduct annual numeric effluent monitoring for heavy metals.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part V Section P2		
Description:	Failure to develop a designated area for vehicles with potential fluid leaks and/or vehicles scheduled for maintenance in the SWP3.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT Part V Section P2		
Description:	Failure to define specific measures in the SWP3 to prevent and confine spills in the designated area.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ONE WAY HAULING, INC.
RN100581479**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1964-WQ-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding One Way Hauling, Inc. ("One Way Hauling") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and One Way Hauling appear before the Commission and together stipulate that:

1. One Way Hauling owns and operates an oil field drilling equipment and bulk barite transportation facility located at 120 Oil Patch Road, Laredo, Webb County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and One Way Hauling agree that the Commission has jurisdiction to enter this Agreed Order, and that One Way Hauling is subject to the Commission's jurisdiction.
4. One Way Hauling received notice of the violations alleged in Section II ("Allegations") on or about December 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by One Way Hauling of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of fourteen thousand five hundred dollars (\$14,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Way Hauling has paid one thousand two hundred fifty-six dollars

(\$1,256.00) of the administrative penalty. The remaining amount of thirteen thousand two hundred forty-four dollars (\$13,244.00) of the administrative penalty shall be payable in 11 monthly payments of one thousand two hundred four dollars (\$1,204.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If One Way Hauling fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, One Way Hauling's failure to meet the payment schedule of this Agreed Order constitutes the failure by One Way Hauling to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and One Way Hauling have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that One Way Hauling has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. One Way Hauling is alleged to have violated:
 - a. 30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05V539, Part III., Section A.5(b)(3) by failing to label drums, tanks, and containers as documented on November 7, 2007. Specifically, six bulk tanks were not labeled.

- b. 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III. Sections A.5(f), A.7(c)(4), and E.3(e)(2), by failing to retain records and reports for a period of three years and maintain the records at the Facility or have them readily available for review by a TCEQ representative as documented on November 7, 2007. Specifically, records, including employee training and corrective actions, were not available for review during the investigation.
 - c. 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III. Section A.5(g), by failing to conduct quarterly inspections of pollution prevention measures and controls as documented on November 7, 2007. Specifically, inspections were not conducted during the second and third quarters of 2007.
 - d. 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section D.1(c), by failing to sample and analyze storm water discharges for hazardous metals at a minimum frequency of once per year as documented on November 7, 2008. Specifically, sampling was not conducted in 2004, 2005, and 2006.
 - e. 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2, by failing to provide adequate spill prevention and response measures as documented on November 7, 2008. Specifically, a designated area does not exist for vehicles with potential fluid leaks and 55 gallon drums designated as spill clean-up containers were filled with trash.
 - f. 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section C.1(c), by failing to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the Facility to determine when a representative storm event occurs as documented on November 7, 2008.
2. One Way Hauling received notice of the violations on or about December 3, 2007.

III. DENIALS

One Way Hauling generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that One Way Hauling pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and One Way Hauling's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in

any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: One Way Hauling, Inc., Docket No. 2007-1964-WQ-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. One Way Hauling shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, One Way Hauling shall:
 - i. Label all drums, tanks, and containers at the Facility, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(3); and
 - ii. Create a record keeping system to retain records and reports for a period of three years and maintain the records at the Facility or keep them readily available for review by the TCEQ, in accordance with TPDES MSGP No. TXR05V539, Part III., Sections A.5(f), A.7(c)(3), and E.3(e)(2).
 - b. Within 60 days after the effective date of this Agreed Order, One Way Hauling shall:
 - i. Begin conducting quarterly inspections of pollution prevention measures and controls, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(g);
 - ii. Begin sampling and analyzing storm water discharges for hazardous metals at a minimum frequency of once per year, in accordance with TPDES MSGP No. TXR05V539, Part III., Section D.1(c);
 - iii. Construct a designated area for vehicles with potential fluid leaks and maintain materials and equipment necessary for spill clean-up, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2; and
 - iv. Maintain a rain gauge on-site to determine when a representative storm event occurs and monitor the gauge and maintain records, in accordance with TPDES MSGP No. TXR05V539, Part III., Section C.1(c).

- c. Within 75 days after the effective date of this Agreed Order, One Way Hauling shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

One Way Hauling shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Rose Luna-Pirtle, Water Section Manager
Texas Commission on Environmental Quality
Laredo Regional Office
707 East Calton Road, Ste. 304
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon One Way Hauling. One Way Hauling is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If One Way Hauling fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, One Way Hauling's failure to comply is not a violation of this Agreed Order. One Way Hauling shall have the burden of establishing to the Executive

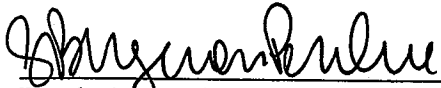
Director's satisfaction that such an event has occurred. One Way Hauling shall notify the Executive Director within seven days after One Way Hauling becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by One Way Hauling shall be made in writing to the Executive Director. Extensions are not effective until One Way Hauling receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against One Way Hauling in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to One Way Hauling, or three days after the date on which the Commission mails notice of the Order to One Way Hauling, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/7/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or One Way Hauling's failure to timely pay the penalty amount, may result in:

- A negative impact on One Way Hauling's compliance history;
- Greater scrutiny of any permit applications submitted by One Way Hauling;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against One Way Hauling;
- Automatic referral to the Attorney General's Office of any future enforcement actions against One Way Hauling; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

8/13/08

Date

Felix Rodriguez Jr.

Name (Printed or typed)

President

Title

Authorized representative of
One Way Hauling, Inc.